



CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D. C. 20505

OFFICE OF THE DIRECTOR

2 JUL 1970

The Honorable David N. Henderson, Chairman
Subcommittee on Manpower and Civil Service
Committee on Post Office and Civil Service
House of Representatives
Washington, D. C. 20515

My dear Mr. Chairman:

This is in response to your request for my views on S. 782, a bill to protect the civilian employees of the Executive Branch of the United States Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasion of their privacy.

I do not attempt to comment on the impact of S. 782 in general. My main concern is rather with its effect on the Central Intelligence Agency and the other agencies forming the intelligence community.

Certain provisions of S. 782 directly conflict with the statutory responsibilities of the Director of Central Intelligence for protecting intelligence sources and methods, and data relating to the organization of the Central Intelligence Agency. For example, the National Security Act of 1947 provides:

" . . . the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure; . . ."
(50 U.S.C. 403(d)),

and the Central Intelligence Agency Act of 1949, as amended, provides:

"In the interests of the security of the foreign intelligence activities of the United States and in order further to implement the proviso of section 102(d)(3) of the National

Security Act of 1947 (Public Law 253, Eightieth Congress, first session) that the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure, the Agency shall be exempted from the provisions. . . of any. . . law which require[s] the publication or disclosure of the organization, functions, names, official titles, salaries, or numbers of personnel employed by the Agency. . . " (50 U.S.C. 403g).

The adverse impact of S. 782 on the fundamental security interests of this Agency was developed in detail during my testimony before an executive session of your Subcommittee on 25 June 1968 in connection with S. 1035, an earlier version of S. 782. I am forwarding under separate cover certain classified material which restates our principal concerns.

The adversary procedures which S. 782 authorizes pose the same critical problems inherent in S. 1035--the Agency must either remain silent in the face of unfounded allegations (with the alleged offending officer taking the consequences of the sanctions embodied in the bill), or it must divulge information which it is obligated by statute to protect, and disclosure of which might damage the national intelligence effort.

If your Subcommittee were to give favorable consideration to legislation along the lines of S. 782, it is my considered judgment that the Central Intelligence Agency requires a complete exemption from S. 782 such as section 9 of the bill provides for the Federal Bureau of Investigation. It is also my belief that S. 782 creates serious problems for certain other components of the intelligence community, such as the National Security Agency, and I trust that their views will receive favorable consideration.

I shall be happy to provide any additional information you may request.

The Office of Management and Budget advises that there is no objection to the submission of this report and that enactment of S. 782 in its present form would not be consistent with the Administration's objectives.

Sincerely,

/s/ Richard Helms

Richard Helms
Director

Enclosure
(Under Separate Cover)

Letter to Chairman Henderson from Director re S. 782

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SUBCOMMITTEE ON MANPOWER AND CIVIL SERVICE

OF THE

COMMITTEE ON POST OFFICE AND CIVIL SERVICE

Washington, D.C. 20515

May 22, 1970

Mr. Richard Helms
Director, Central Intelligence
Agency
Washington, D.C. 20505

Dear Mr. Helms:

Senate bill S. 782, a bill to protect the civilian employees of the executive branch of the United States Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy, passed the Senate on May 19, 1970, and has been referred to the House Committee on Post Office and Civil Service, Subcommittee on Manpower and Civil Service.

The Subcommittee would appreciate receiving your views on this particular legislation.

With best wishes, I am

Sincerely yours,


David N. Henderson
Chairman

Informational copies of report to Chairman
Henderson on S. 782 sent to:

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on 7 July 1970.

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Remarks: The attached is a re-write to Chairman Henderson in response to his request for our views on the Ervin bill. It incorporates some suggestions offered by the Bureau of the Budget who are considering the possibility of a veto unless the bill is modified, and therefore wished us to strengthen some of our language.					
<div style="border: 1px solid black; width: 300px; height: 40px; margin: 0 auto;"></div> <div style="text-align: right; margin-top: 10px;"> <i>[Signature]</i> John M. Maury Legislative Counsel </div>					
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